

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, AUGUST 17, 2000
8:15 A.M.**

Commissioners Present: Kathy Campbell, Chair
Larry Hudkins
Linda Steinman
Bernie Heier
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk
Ann Taylor, County Clerk's Office

AGENDA ITEM

1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, AUGUST 10, 2000

MOTION: Workman moved and Heier seconded approval of the Staff Meeting minutes of August 10, 2000. Workman, Heier and Campbell voted aye. Steinman abstained from voting. Hudkins was absent from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Report on State Juvenile Issues Task Force
- B. Stevens Creek Basin Planning Initiative
- C. County Board Picture
- D. Southeast Community College Budget Presentation
- E. Correspondence Related to the Stevens Creek Preservation Association

MOTION: Heier moved and Steinman seconded approval of the additions to the agenda. Heier, Steinman, Workman, Hudkins and Campbell voted aye. Motion carried.

3 NOXIOUS WEED GRANT - Russ Shultz, Noxious Weed Control Authority Superintendent

Item deferred.

ACTION ITEMS

- A. Resolution Denying Delicensure of Space Under Liquor License Held by DLH, Inc.

Dave Johnson, Deputy County Attorney, reported that the Nebraska Liquor Control Commission indicated in a statement to the Lincoln Journal Star Newspaper that it does not plan to take any action on the entertainment contract between Cheetahs and Coaches Bar & Grill and believes the responsibility rests with the Lancaster County Board of Commissioners. He said the County Board of Commissioners' authority is limited by the Nebraska Revised Statutes and said it is unclear from the newspaper article what led the Nebraska Liquor Control Commission to this conclusion.

The Board held this item and asked Johnson to contact the Nebraska Liquor Control Commission for additional information.

4 CRISIS CENTER - Dean Settle, Community Mental Health Center Director; Bill Bonacker, Director of Outpatient Emergency Services; Kim Etherton, Crisis Center Director

Bill Bonacker, Director of Outpatient Emergency Services, said the State frequently refuses to accept post-commitment individuals, due to lack of space in the Regional Center. A lawsuit to compel the State to accept these commitments was unsuccessful so these individuals are held in the Crisis Center without reimbursement, which creates a shortage of beds in that facility. He said this also deprives the individuals of their right to treatment and one patient, held 11 weeks post commitment, filed a habeas corpus suit.

Bonacker said attempts to address the problem legislatively have been unsuccessful, to date, due to concerns of fiscal impact to the State. He said discussions have also been held with Ron Ross, Nebraska Department of Health & Human Services Director, and George Hanigan, Director of Behavioral Health for the Nebraska Department of Health and Human Services.

Kim Etherton, Crisis Center Director, reviewed the following documents (Exhibit A):

- O *Trends in Admissions and Post Commitment Data 1999-2000*
- O *Weekly Emergency Protective Custody Data*
- O *Crisis Center Post Commitment Bed Days*

Etherton reported that the Crisis Center has been at capacity for 39 days, with the exception of one 12 hour period.

In response to a question from Heier, Etherton said more than half of the Emergency Protective Custody (EPC) admissions had chemical dependency issues. She said most of the admissions were male, unemployed and are in the 25-40 age group. Etherton agreed to send the Board copies of a report prepared for Region V on a monthly basis that includes statistical data.

Steinman asked whether Cornhusker Place's new quiet rooms could serve EPC clients.

Bonacker said only on a short term basis since that facility lacks mental health staff to perform the required evaluations.

Campbell noted that Lancaster County also lacks an EPC facility for juveniles.

Dean Settle, Community Mental Health Center Director, said resources are limited for substance abuse treatment. Placement of dual diagnosis clients is even more difficult.

Settle said post-commitment patients have contacted Nebraska Advocacy Services (NAS), American Civil Liberties Union (ACLU), and the City Human Rights Commissioner regarding habeas corpus and right to treatment issues. Bryan/LGH Medical Center's East and West facilities have also called with concerns that the overflow of patients that they have accepted is interfering with their ability to serve paying psychiatric clients. He said Bonacker and Etherton have been working with the County Attorney and Public Defender and a mandamus will be written and filed against the State for each post commitment.

Settle said a legislative solution should also be sought. He noted that the Nebraska Legislature's Health and Human Services Committee will hold an all day session on pertinent issues on September 29th.

Campbell said it is important to keep the Lancaster County Senate Delegation informed and said the Board plans to provide them with periodic papers on priority issues.

Settle agreed and urged the Board to make mental health and the Crisis Center a priority legislative issue in the coming year.

The Board requested that additional discussion of the problem be scheduled in late September with Gary Lacey, County Attorney. Members of the Lancaster County Senate Delegation will be invited to attend the discussion.

5 VETERANS SERVICES QUARTERLY AND ANNUAL REPORTS - Gary Chalupa, Veterans Services Officer

Gary Chalupa, Veterans Services Officer, presented *Quarterly Report of County Veterans' Service Committee* (Exhibit B), noting expenditures have stayed within the budget.

Chalupa also presented the following documents (Exhibit C):

- O *Annual Report, Lancaster County Veterans' Service Center, July 1, 1999 thru June 30, 2000*
- O *Lancaster County Veterans' Aid Fund Annual Expenditure Report*
- O *Veterans' Service Center Budget for Fiscal Year July 1, 1998 to June 30, 1999*
- O *Statistical Data, Annual Report - FY2000*

Chalupa noted that awards from the Nebraska Veterans Aid Fund have increased by approximately \$56,000. He said these awards were primarily for burials and assistance in making homes accessible.

Chalupa also reported that funds have been raised for replacement of the POW/MIA flag that is flown in front of the Justice and Law Enforcement Center.

RETURNING TO ACTION ITEMS

- A. Resolution Denying Delicensure of Space Under Liquor License Held by DLH, Inc.

Dave Johnson, Deputy County Attorney, said he was unable to reach the legal counsel for the Nebraska Liquor Control Commission.

Campbell suggested that a request be submitted for Johnson to receive copies of the Nebraska Liquor Control Commission's agendas and minutes.

MOTION: Workman moved and Heier seconded to accept the resolution. Workman, Hudkins, Steinman, Heier and Campbell voted aye. Motion carried.

E. Reconsideration of County Attorney Opinion on Consolidation of County Assessor and Register of Deeds

Dave Johnson, Deputy County Attorney, presented a written report detailing further review of the opinion that addressed consolidation of the offices of Register of Deeds and County Attorney (Exhibit D). The additional review was conducted in response to concerns and case law cited by Peter Katt, attorney for Dan Nolte (Exhibit D). He stated it is still the opinion of the County Attorney's office that statutory requirements have been met.

6 ILLEGAL DUMPING EDUCATION CAMPAIGN - Harry Heafer, Clean Community System Coordinator; Scott Holmes, Lincoln-Lancaster County Health Department Environmental Health Division Chief; Terry Wagner, Lancaster County Sheriff

Harry Heafer, Clean Community System Coordinator, gave a brief overview of the Illegal Dumping Education Campaign and distributed related materials (Exhibit E). He said educational efforts have included billboards, bumper stickers, car litter bags and metal signs in areas where dumping has occurred and on state road entrances into the county. Future plans include public service announcements and replacement of Clean Community signs in the villages.

Heafer also distributed a graph detailing illegal dumping/clean-up referrals (Exhibit F).

Terry Wagner, Lancaster County Sheriff, reported that his office received 118 calls for service related to illegal dumping in the last 12 months and 19 of these resulted in arrests. He added that the problem is greatest in the area of the landfill.

Heafer said County Court Judge Gale Pokorny has agreed to establish a public health and safety docket to hear these types of cases.

In response to a question from Workman, Scott Holmes, Lincoln-Lancaster County Health Department Environmental Health Division Chief, said commercial dumping of trees and shrubs has not been a problem.

Workman asked about costs and funding of the program.

Heafer said Public Works expends approximately \$600 - \$700 per month for cleanup, although a portion of this is reimbursed by the State. His position is funded through grants.

7 JUVENILE DETENTION FACILITY UPDATE - Chris Beardslee, Sinclair Hille & Associates Inc.

Chris Beardslee, Sinclair Hille & Associates Inc., briefly reviewed the following documents (Exhibit G):

- O Progress Summary as of August 15, 2000
- O Architects Field Observations, dated August 2 and August 15, 2000
- O Field Observation Reports from R.O. Younker, Inc., dated July 10, July 27, August 9 and August 10, 2000

Beardslee reported that AAA Roofing Co., Inc. has proposed using standing seam double lock form panels in place of the factory specified "snap-on" type panels. He said the substituted system provides a more watertight joint and would not alter costs. Beardslee recommended approval of the request.

Beardslee said AAA Roofing Co., Inc. has also suggested that a fully adhered EPDM (RubberGard MAX) roofing system be used in place of the specified APP modified Bitumen (granule surface) system. The contractor indicated time, cost savings (estimated at \$15,000 - \$20,000) and reparability as reasons for the substitution. Beardslee noted that the modified Bitumen system is considered to be more durable.

MOTION: Hudkins moved and Workman seconded to approve the request to substitute standing seam double lock form panels and to deny the request for substitution of the specified modified Bitumen roofing system. Hudkins, Workman, Heier, Steinman and Campbell voted aye. Motion carried.

8 SALARIES FOR UNCLASSIFIED, UNREPRESENTED EMPLOYEES; REPORT ON AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME) AND FRATERNAL ORDER OF POLICE (FOP) - Georgia Glass, Personnel Director; John Cripe, Classification and Pay Manager; Gary Lacey, County Attorney; Scott Helvie, Chief Deputy Public Defender

John Cripe, Classification and Pay Manager, distributed recommendations of salaries for Attorney I's and II's received from the County Attorney and Public Defender (Exhibits H & I).

Cripe also distributed the following documents (Exhibit J):

- O *Pay Survey for Classified/Appointed Officials, August 2000* (Counties participating in the salary survey are Douglas County, Nebraska - includes Omaha; Minnehaha County, South Dakota - includes Sioux Falls; Polk County, Iowa - includes Des Moines; Sedgwick County, Kansas - includes Wichita; Shawnee County, Kansas - includes Topeka; Green County, Missouri - includes Springfield; Black Hawk County, Iowa - includes Waterloo; Linn County, Iowa - includes Cedar Rapids)
- O *Directors Salary Information, 2000-2001*
- O *City Directors Salary Comparison Data*

Cripe said there were no matches for Bailiff I's and II's.

Cripe said salaries for psychiatrists at the Regional Center average \$162,000 - \$168,000. The current range for the County is \$142,000 - \$149,000.

The Board tentatively approved 4 percent salary increases for the Child Support Referee, Bailiff I's and II's, and Psychiatrists I's and II's.

9 BANK SERVICES CONTRACT WITH WELLS FARGO - Dave Johnson, Deputy County Attorney; R J Nuernberger, County Treasurer; Terry Adams, Deputy County Treasurer

Dave Johnson, Deputy County Attorney, said he has been negotiating with Wells Fargo on the bank services contract but the bank will not agree to a hold harmless clause, which he deems crucial. He noted that Wells Fargo has provided service for the past few weeks without a contract. Johnson recommended that the Board sign the contract with Wells Fargo, which has a 30 day termination clause, and proceed with a Request for Proposals (RFP).

Terry Adams, Deputy County Treasurer, noted that the RFP process will take several months.

10 PENDING LITIGATION - Doug Cyr, Deputy County Attorney

Doug Cyr, Deputy County Attorney, said Mark Cabrales, County Engineering, has requested an additional \$525.53 to close out his workers' compensation claim. He recommended approval.

The Board will take action on this matter at a County Board of Commissioners Meeting.

11 OFFICE OF JUVENILE SERVICES EVALUATIONS - Sheryl Schrepf, Families First & Foremost (F³) Grant Director; Gus Hitz, Assessment Center Director; Kit Boesch, Human Services Administrator

Sheryl Schrepf, Families First & Foremost (F³) Grant Director, explained that a pilot project involving twelve youth detained at the Attention Center and four local evaluators was successful in reducing the amount of time the youth spent in detention waiting for evaluation and for a detention hearing after the evaluation was completed. She said F³ would like to continue that project and plans to write a proposal to the Nebraska Department of Health and Human Services (HHS) to coordinate and administer community based and residential evaluations of Office of Juvenile Services (OJS) youth in Lancaster County through the Juvenile Assessment Center, on an expense reimbursement basis (Exhibit K). A part-time position will be necessary to administer the contract, but this will be reimbursable as well. She said the contract, which would run from October 1, 2000 through June 30, 2001, would be the beginning of the Assessment Center and could be important in terms of sustainability of the Assessment Center upon expiration of the grant. Schrepf said Mark Martin, Protection & Safety Division Administrator for the Office of Juvenile Services, and Tim Koehn, Service Area Administrator for Southeast Nebraska, are supportive of the proposal.

Schrepf also noted that funds would be available through F³ to fund evaluations and assessments of youth that are not in the custody of OJS.

Schrepf reviewed *Nebraska Juvenile Offender Case Flow Chart* and *Comprehensive Juvenile Justice Intervention Services Model* (Exhibit L), noting the Assessment Center would be a part of the adjudication phase.

Steinman asked Gus Hitz, Assessment Center Director, to provide her with risk assessment tools prior to the next meeting of the State Juvenile Issues Task Force.

12 ACTION ITEMS

- A. Resolution Denying Delicensure of Space Under Liquor License Held by DLH, Inc.

Item moved forward on the agenda.

- B. Plaque for Volunteers of the Month

MOTION: Steinman moved and Heier seconded to expend funds, not to exceed \$300, for a plaque recognizing recipients of the Volunteer of the Month award.

Campbell noted that many of the recipients are City volunteers and suggested that the City be asked to contribute to this cost next year.

ON CALL: Workman, Steinman, Heier, Hudkins and Campbell voted aye. Motion carried.

C. Grant Application for Communities Helping Immigrants Progress (CHIRP)

Campbell said the American Red Cross has agreed to administer the program.

MOTION: Steinman moved and Heier seconded approval. Steinman, Hudkins, Workman, Heier and Campbell voted aye. Motion carried.

D. Correction of Clerical Error on Execution of Quitclaim Deeds for Vacated Portions of Liberty Lane to:

1. Jean A and Warren M Swanson
2. United Development Inc., a Nebraska Corporation
3. Alonzo A. and MariJane J Athey

(See Agenda Item 5 (A) on Lancaster County Board of Commissioners Meeting Held on Tuesday, August 1, 2000)

Eagan said a clerical error caused warranty, rather than quitclaim deeds, to be issued. He added that the deeds have not been filed.

MOTION: Heier moved and Workman seconded approval. Hudkins, Heier, Steinman, Workman and Campbell voted aye. Motion carried.

E. Reconsideration of County Attorney Opinion on Consolidation of County Assessor and Register of Deeds

Item moved forward on the agenda.

F. Request from Dennis Banks, Lancaster County Juvenile Detention Center Director, to Raise Credit Card Limit to \$1,500

MOTION: Heier moved and Steinman seconded approval. Heier, Hudkins, Workman, Steinman and Campbell voted aye. Motion carried.

13 ADMINISTRATIVE OFFICER REPORT

A. Meeting with Village Clerks

The meeting will be held at 12 p.m. on September 21st in Room 113 of the County-City Building.

B. Governor's Summit on Workforce Development

Eagan said the Governor's Summit on Workforce Development will be held August 29-30, 2000 at the Cornhusker Hotel, Lincoln.

C. Accountability and Disclosure Opinion on Ballot Questions

The Board directed that a copy of the staff opinion from the Nebraska Accountability and Disclosure Commission be placed on file in the County Clerk's Office.

The Board directed that copies of the *Final Report and Recommendations of the Lancaster County Consolidation Committee* and *Potential Cost Savings and Increased Efficiencies Which May or May Not Be Realized from the Consolidation of the Offices of the Register of Deeds and the County Assessor* be sent to citizens who have contacted the Board on the issue, with a cover letter.

D. Letter to the Lancaster Manor Advisory Board

Board consensus to send a letter to the Lancaster Manor Advisory Board thanking them for their letter and notifying them that the Nebraska Nursing Home Association has asked that no additional letters be sent to the Governor on the issue.

E. Hearing Officer for Hearing Scheduled Thursday, August 24, 2000 Regarding Revocation or Suspension of Liquor License for DLH, Inc. dba/Coaches Sports Bar & Grill

MOTION: Steinman moved and Hudkins seconded to authorize Kerry Eagan, Chief Administrative Officer, to proceed with asking Bill Austin, attorney, to serve as the hearing officer.

Campbell noted that Austin will be paid an hourly rate of \$150 for his services.

ON CALL: Steinman, Hudkins, Workman, Heier and Campbell voted aye. Motion carried.

14 DISCUSSION OF BOARD MEMBER MEETINGS

A. Air Pollution Control Advisory Committee - Workman

Workman reported that discussion focused on proposed changes to the standards and annual fee structure for air pollution. He said changes are proposed to the County's resolution on air pollution to address burning of prairie areas and to the City Municipal Code to address range burning within the City. Workman reported that burning of refuse (brush and paper) on farm property would still be permitted and industrial burn permits would be increased from \$50 to \$200.

Campbell noted that not all of the brush collected by City crews is taken to the landfill.

Workman said the proposed changes to the fee structure are anticipated to increase collections from \$433,000 to \$562,000 annually. He said Marcia Wilhite, Air Quality Supervisor for Lincoln/Lancaster County Health Department, indicated that the increases were necessary to sustain the budget, which has increased at a rate of 9 percent for the past three years. He said he has requested a breakdown of the budget, including salaries.

Workman said the Health Department also plans to study particulate matter on County Roads.

MOTION: Workman moved and Hudkins seconded to send a letter of appreciation to Harry Niederhaus and John Hetcko, outgoing members of the Air Pollution Control Advisory Committee. Workman, Hudkins, Heier, Steinman and Campbell voted aye. Motion carried.

B. Information Services Policy Committee - Workman, Steinman

Workman said Information Services is now utilizing a credit card for purchases.

C. Parks & Recreation Advisory Committee - Workman

Workman said Lynn Johnson, the new Parks & Recreation Director, has taken office.

D. Board of Health - Hudkins

Hudkins said the main topic of discussion was an animal damage resolution. Brief discussion also took place on proposed changes to the standards and annual fee structure for air pollution.

ADDITIONS TO THE AGENDA

A. Report on State Juvenile Issues Task Force

Steinman explained that the State Juvenile Issues Task Force was created in response to LB 1167, which changed provisions relating to juvenile justice. She said the task force is charged with the following:

- O Examine juvenile detention practices
- O Identify risk factors that should be considered in making a detention decision
- O Recommend a standardized juvenile detention screening instrument to the Office of Probation Administration no later than December 15, 2000
- O Develop a plan for regional secure juvenile detention facilities and detention services, including transportation services and recommend a funding strategy
- O Develop standards for juvenile diversion services throughout the state
- O Review the structure, purpose and function of juvenile probation
- O Analyze juvenile probation offender characteristics
- O Determine the level of staffing and types of program services needed in order for juvenile probation to fulfill its core responsibilities within the juvenile justice system and recommend needed system changes

B. Stevens Creek Basin Planning Initiative

Campbell said Heier is concerned that City/County representation on the task force is no longer balanced.

MOTION: Hudkins moved and Workman seconded to send a letter to Mayor Wesely suggesting equal representation and submitting the name of Lovie Magruder for consideration. Hudkins, Workman and Campbell voted aye. Steinman and Heier were absent from voting. Motion carried.

C. County Board Picture

The Board scheduled the photography session for 1 p.m. on September 19th.

D. Southeast Community College Budget Presentation

Board consensus to schedule a presentation on a County Board of Commissioners meeting agenda.

E. Correspondence Related to the Stevens Creek Preservation Association

Workman reported on a meeting he and Heier had with representatives of the Lower Platte South Natural Resources District (NRD) and the Great Plains Trails Network. He said it was decided that Glenn Johnson, Lower Platte South Natural Resources District General Manager, and Kerry Eagan, Chief Administrative Officer, would draft a letter of response to a letter from John Recknor, an attorney representing the Stevens Creek Preservation Association. He said Recknor's letter had indicated that the landowners in this group are opposed to the proposed trail, conservation easements and purchase of land. Workman said a letter clarifying the proposal would also be sent to members of the Stevens Creek Preservation Association.

Campbell said it would be more appropriate to forward Recknor's letter to the NRD requesting a response, with a copy to the Board. A cover letter should state that the Board has been informed that these individuals feel left out of the process and request that a process be developed to involve them.

15 ADJOURNMENT

By direction of the Chair, the meeting was adjourned.

Bruce Medcalf
Lancaster County Clerk